

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL LEE GORDON

PLAINTIFF

V.

CIVIL ACTION NO.: 4:16CV3-SA-DAS

MARSHALL FISHER, ET AL.

DEFENDANTS

ORDER RESCINDING IN FORMA PAUPERIS STATUS

This matter comes before the Court, *sua sponte*, for consideration under the “three strikes” provision of the Prison Litigation Reform Act. Plaintiff Michael Lee Gordon, a federal inmate, filed the instant *pro se* complaint against Defendants pursuant to 42 U.S.C. § 1983, claiming that he was deprived of various constitutional rights while housed at the Mississippi State Penitentiary.¹ Gordon’s complaint was filed with the Court on January 11, 2016. Subsequently, the Court granted Gordon permission to proceed *in forma pauperis* (“IFP”) in this action based on his inability to pay the statutory filing fee. *See* Doc. # 12.

However, the Court determines that Gordon should not have been allowed to proceed IFP in this action based on the “three strikes” provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). This provision provides that an inmate may not proceed IFP in a civil action if he has on a previous occasion had three or more cases dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g) (quotation marks omitted). Gordon has accumulated at least three strikes in various courts under the provisions of the Prison Litigation Reform Act: *See Gordon v. Lappin*, 224 F. App’x 192, 194 (3d Cir. 2007) (“[W]e conclude that

¹ Gordon has since been transferred to a federal facility in Florida.

Gordon's appeal fails to state a claim on which relief may be granted."); *Gordon v. Durkin*, No. 2:09-cv-919-JLG-MRA, ECF No. 17 (S.D. Ohio December 4, 2009) (dismissing case for failure to state a claim); *Gordon v. Hawk-Sawyer, et al.*, No. 1:03-cv-177-RAS-ESH, ECF No. 46 (E.D. Tex. September 15, 2004) (dismissing case pursuant to 28 U.S.C. § 1915(e)(2)(B)). Therefore, the Court finds that Gordon has accumulated more than three strikes and cannot proceed as a pauper in any prisoner suits unless he can demonstrate that he is in imminent danger of serious physical harm.

In this instant suit, Gordon's allegations do not raise an inference that he is in imminent danger of serious physical harm. Accordingly, the order granting Gordon permission to proceed IFP is **RESCINDED** as improvidently granted. Gordon must pay the full \$ 350.00 filing fee within twenty-one (21) days of the date of this order, or this case will be dismissed for want of prosecution.

SO ORDERED this the 14th day of June, 2016.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE